FILED
07 DEC -5 AM 9:33
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Maria RODRIGUEZ-Albarran (D1)** and **Lady Wallezca MUNOZ-Aguilar (D2)** Defendants.	Magistrate Case No. '07 MJ 2810 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about December 3, 2007, within the Southern District of California, defendants **Maria RODRIGUEZ-Albarran (D1) and Lady Wallezca MUNOZ-Aguilar (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Rodrigo LOPEZ-Hernandez (MW1), Margarita MARQUINA-De Leon (MW2), and Maria PEREZ-Delgadillo (MW3)**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Mario Avila, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **December, 2007.**

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Rodrigo LOPEZ-Hernandez, Margarita MARQUINA De Leon, and Maria PEREZ-Delgadillo**, are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 3, 2007, at approximately 1600 hours, **Maria del Carmen RODRIGUEZ-Albarran (D1)** and **Lady Wallezca MUNOZ-Aguilar (D2),** applied for admission to the United States through the vehicle primary lanes of the San Ysidro, California Port of Entry. D1 was the driver of a 1987 Ford Aerostar bearing Baja California license plates. D1 presented a valid Border Crossing Card to a Customs and Border Protection (CBP) Officer and claimed ownership of the vehicle. D1 also gave two negative declarations. D2 presented a valid Border Crossing Card to the CBP Officer. A query of D2's Border Crossing Card produced a computer generated referral and the vehicle and its occupants were referred to secondary inspection.

In secondary, four persons were found concealed in a non-factory compartment underneath the vehicle. The four persons were removed from the compartment with the help of a CBP Officer. All four persons admitted to being citizens of Mexico without entitlements to enter the United States. Three were held as material witnesses and are now identified as **Rodrigo LOPEZ-Hernandez (MW1), Margarita MARQUINA De Leon (MW2), and Maria PEREZ-Delgadillo (MW3).**

During a videotaped interview, D1 was advised of her Miranda rights and elected to answer questions without an attorney present. D1 admitted knowledge of the concealed undocumented persons in the vehicle. D1 admitted she was to take the vehicle and persons to a pre-determined location in San Diego, California. D1 admitted she was to be paid $500.00 by an alien smuggler upon successful delivery of the undocumented persons.

During a videotaped interview, D2 was advised of her Miranda rights and elected to answer questions without an attorney present. D2 admitted knowledge of the concealed undocumented persons in the vehicle. D2 admitted she was to be paid an unspecified amount of money upon successful delivery of the undocumented persons.

A videotaped interview was conducted with Material Witnesses. Material Witnesses stated that they are all citizens of Mexico and that they do not have documents to lawfully enter the United States. Material Witnesses stated that they made arrangements to be smuggled into the United States with unknown alien smugglers in Tijuana, Mexico. Material Witnesses stated they were to pay fees ranging from $1,800 to $3,000 to be smuggled into the United States. Material Witnesses admitted their intention was to travel to various areas in California or an unknown location in order to seek residency and employment.